

MONDAY, MARCH 9, 1981
EIGHTEENTH LEGISLATIVE DAY

The House met at 6:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend William G. Wilson, Brentwood Baptist Church, Brentwood, Tennessee.

Representative Phillips led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 92

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

The Speaker announced that Representative Webb was excused because of business reasons.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 106; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 106.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 81, 176, 324 and 325 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

117—To make certain provisions, agency rulemaking;

381—To amend Title 4, Chapter 5, Code;

537—To establish termination dates, certain governmental entities;

541—To amend Title 4, Chapter 5, Part 1, Code; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

Mr. Buck moved that Senate Bill No. 138 be placed on the Calendar for Monday, March 23, 1981, which motion prevailed.

House Bill No. 350—To make certain provisions, speed limits.

On motion, House Bill No. 350 was made to conform with Senate Bill No. 686.

On motion, Senate Bill No. 686, on same subject, was substituted for House Bill No. 350.

Mr. Wolfe moved that Senate Bill No. 686 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

House Bill No. 583—To amend Title 20, Chapter 4, Code.

Mr. Murray moved that House Bill No. 583 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 583 by striking the entire section 2 and substituting a new section 2 which reads as follows:

“Section 2 This act shall take effect on passage, the public welfare requiring it”.

On motion, the amendment was adopted.

Thereupon, House Bill No. 583, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

House Bill No. 584—To amend Title 30, Chapter 11, Code.

Mr. Murray moved that House Bill No. 584 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 584 by striking Section 2 in its entirety and substituting a new Section 2, which reads as follows:

“Section 2. This Act shall take effect upon passage, the public welfare requiring it”.

On motion, the amendment was adopted.

Thereupon, House Bill No. 584, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett),

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DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

House Bill No. 282—To regulate Board of Nursing.

On motion, House Bill No. 282 was made to conform with Senate Bill No. 388.

On motion, Senate Bill No. 388, on same subject, was substituted for House Bill No. 282.

Mr. Severance moved that Senate Bill No. 388 be passed on third and final consideration.

Mr. Severance moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 388 by deleting Section 6 in its entirety and by substituting instead the following:

Section 6. Tennessee Code Annotated, Section 63-746 is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Has completed the twelfth grade or its equivalent or has successfully passed the test for and has received a general equivalency diploma and such other preliminary qualifications and requirements as the board may prescribed, and

Mr. Starnes moved that Senate Bill No. 388 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

House Bill No. 172—To levy tax on lodgings, Jellico.

Mr. Henry (Roane) moved that House Bill No. 172 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Turner, Ussery, Wallace,

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Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives present and not voting were: Dills, Naifeh and Tanner—3.

A motion to reconsider was tabled.

House Bill No. 105—To levy lodging tax certain counties.

Mr. Henry (Roane) moved that House Bill No. 105 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Representatives present and not voting were: Dills, Naifeh, Small and Tanner—4.

A motion to reconsider was tabled.

House Bill No. 274—To limit term, textbooks contracts.

On motion, House Bill No. 274 was made to conform with Senate Bill No. 402.

On motion, Senate Bill No. 402, on same subject, was substituted for House Bill No. 274.

Mr. Bivens moved that Senate Bill No. 402 be passed on third and final consideration.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 402 be deleting Sections 1 and 2 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2010, is amended by adding the following sentence, "The State Textbook Commission shall have the authority to require publishers to extend existing contracts, at renegotiated prices, for certain textbooks for an additional five (5) years where local school systems indicate a sufficient interest in continued use of the textbooks.

SECTION 2. Tennessee Code Annotated, Section 49-2021, is amended in the first sentence thereof by inserting between the words "five (5) years," and the words "in accordance with", the words and figures "but may be extended up to five (5) additional years,".

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On motion, the amendment was adopted.

Thereupon, Senate Bill No. 402, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 214—To require special permit, trout fishing.

Mr. Huskey moved that House Bill No. 214 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 214 by amending Section 1, subsection (c) as follows: at the end of the second sentence changing the period to a comma and the following words and phrase "the amount of said fee not to exceed five (\$5.00) dollars."

On motion, the amendment was adopted.

Thereupon, House Bill No. 214, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative present and not voting was: Copeland—1.

A motion to reconsider was tabled.

House Bill No. 273—To provide for disposal textbooks.

On motion, House Bill No. 273 was made to conform with Senate Bill No. 401.

On motion, Senate Bill No. 401, on same subject, was substituted for House Bill No. 273.

Mr. Bivens moved that Senate Bill No. 401 be passed on third and final consideration.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 401 by deleting the period at the end of the first sentence of the amendatory language of Section 2 and adding the following:

“or by other methods approved by the local board of education.”

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 401, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Joint Resolution No. 44—Relative to directing State Textbook Commission to establish guide lines.

Mr. Bivens moved that House Joint Resolution No. 44 be adopted, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Mur-

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ray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 660—To define “mass murder” under certain circumstances.

On motion, House Bill No. 660 was made to conform with Senate Bill No. 137.

On motion, Senate Bill No. 137, on same subject, was substituted for House Bill No. 660.

Mr. Lashlee moved that Senate Bill No. 137 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

House Bill No. 662—To require certain notice, death penalty cases.

Mr. Lashlee moved that House Bill No. 662 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

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House Joint Resolution No. 43—Relative to directing study book repair industry.

Mr. Bivens moved that House Joint Resolution No. 43 be adopted, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Joint Resolution No. 42—Relative to directing Department of Education.

Mr. Bivens moved that House Joint Resolution No. 42 be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

Mr. Davis (Hamilton) moved that House Bills Nos. 317 and 318 be placed on the Calendar for Wednesday, March 11, 1981, which motion prevailed.

House Bill No. 357—To allow county executives, to officiate marriages.

Mr. Robertson moved that House Bill No. 357 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representative voting no was: Dills—1.

A motion to reconsider was tabled.

House Bill No. 530—To regulate practice of dentistry.

On motion, House Bill No. 530 was made to conform with Senate Bill No. 750.

On motion, Senate Bill No. 750, on same subject, was substituted for House Bill No. 530.

Mr. Davis (Hamilton) moved that Senate Bill No. 750 be passed on third and final consideration.

Mr. Davis (Hamilton) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 750 by adding the following language at the end of Section 13.

TCA Section 63-554 is further amended by adding a new subsection as follows:

(d) In assessing a civil penalty pursuant to this chapter the board should consider the following:

- (1) the harm or potential harm of the violation to the public health and welfare.
- (2) the extent to which the public was exposed to such harm or potential harm.
- (3) the rate, duration and severity of the violations.
- (4) the value of the penalty as a deterrent to future violations.
- (5) attempts by the violator to mitigate the harm to the public.
- (6) such other specific criteria as the board may wish to establish by duly promulgated regulation.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 750 by adding the words “or where dental services are being provided by an official agency of the state government, or any subdivision, any non-profit

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organization, hospital, or an health maintenance organization” to the amendatory language of Section 12 after the word “employer” in the second line.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 750, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representative present and not voting was: Johnson—1.

A motion to reconsider was tabled.

Ms. DeBerry moved that House Bills Nos. 205 and 258 be placed on the Calendar for Thursday, March 12, 1981, which motion prevailed.

CONSENT CALENDAR

OBJECTIONS

Objections were filed to the following bills and resolutions on the Consent Calendar:

Mr. Percy objected to House Joint Resolution No. 111.

Mr. McKinney objected to House Bills Nos. 369, 616, 977, 980, 991, 1020, 1029, 1039 and 1045.

Under the rules, House Bills Nos. 369, 616, 977, 980, 991, 1020, 1029, 1039 and 1045, and House Joint Resolution No. 111 were placed at the foot of the Calendar for Wednesday, March 11, 1981.

Senate Joint Resolution No. 14—Relative to urging Congress, restore funding, Clinch River.

House Joint Resolution No. 87—Relative to certain property, Obion and Weakley Counties.

House Joint Resolution No. 72—Relative to establishing Tourist Appreciation Day.

House Joint Resolution No. 79—Relative to honoring Billy O. Williams.

House Joint Resolution No. 103—Relative to honoring James and Jean Mynatt.

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House Joint Resolution No. 107—Relative to commending Military Department Energy Conseration.

House Joint Resolution No. 109—Relative to honoring former Representative Jim Richards.

House Bill No. 975—To make certain provisions, courts, Monroe County.

House Bill No. 978—To make provisions, road commission, Henderson County.

House Bill No. 979—To regulate purchasing, Henderson County.

Senate Joint Resolution No. 42—Relative to congratulating Cora Quillen.

Senate Joint Resolution No. 45—Relative to commending Medina Lions Club.

Senate Joint Resolution No. 47—Relative to honoring James W. Livesay.

Senate Joint Resolution No. 49—Relative to commending Judge Joseph J. Nigro.

Senate Joint Resolution No. 51—Relative to memory, Stanley Fitzgerald Horn.

Senate Joint Resolution No. 57—Relative to sympathy, Carlon C. Vinson.

Senate Joint Resolution No. 60—Relative to commending Samuel Edward Wasson, Jr.

Senate Joint Resolution No. 65—Relative to best wishes, Bill “Griff” Griffin.

House Joint Resolution No. 110—Relative to directing investigation, SCA Services, Incorporated.

House Joint Resolution No. 113—Relative to honoring Edward Hooper.

House Bill No. 259—To provide for Road Superintendent, Lake County.

House Bill No. 1051—To provide a director, air pollution control program.

On motion, House Bill No. 1051 was made to conform with Senate Bill No.973.

On motion, Senate Bill No. 973, on same subject, was substituted for House Bill No. 1051.

Senate Joint Resolution No. 43—Relative to sympathy, Kathryn Brown Earhart.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love,

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Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representative voting no was: Murphy (Davidson)—1.

A motion to reconsider was tabled.

MOTIONS

On motion of Mr. Smith, House Bill No. 358 was recalled from the Committee on Education.

On motion of Mr. Smith, House Bill No. 358 was referred to the Committee on State and Local Government.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 114—Relative to directing commissioner personnel, publish certain information—By Burnett, Murphy (Davidson) and Davidson.

The Speaker referred House Joint Resolution No. 114 to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1078—To amend Section 7-65-124 (2), Code—By Martin.

Passed first consideration.

House Bill No. 1079—To make certain provisions, certified public accountants—By Burnett, Rhinehart and Naifeh.

Passed first consideration.

House Bill No. 1080—To provide for Criminal Investigator, 19th Judicial Circuit—By Burnett.

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Passed first consideration.

House Bill No. 1081—To amend Title 45, Chapter 2, Code—By Burnett.

Passed first consideration.

House Bill No. 1082—To provide for pictured drivers' licenses—By Jared, Robinson (Davidson), Chiles, Kent, Wheeler, Disspayne, Yelton, Frensley and Withers.

Passed first consideration.

House Bill No. 1083—To amend Charter, Elkton—By Lowe.

Passed first consideration.

House Bill No. 1084—To regulate manner of hunting, certain wildlife—By Disspayne.

Passed first consideration.

House Bill No. 1085—To provide for preservation, historic zones and districts—By Covington.

Passed first consideration.

House Bill No. 1086—To amend Section 55-6-104, Code—By Robinson (Washington).

Passed first consideration.

House Bill No. 1087—To adjust certain fees, Department of Insurance—By Robinson (Washington).

Passed first consideration.

House Bill No. 1088—To enact "Foster Care Contributions Act"—By Ford and Henry (Roane).

Passed first consideration.

House Bill No. 1089—To designate "Coleman Winston Memorial Bridge", Trousdale County—By Bell (Wilson), Clark (Sumner) and Robinson (Davidson).

Passed first consideration.

House Bill No. 1090—To modify definition, "professional employees"—By Naifeh, Tanner and Johnson.

Passed first consideration.

House Bill No. 1091—To regulate registration of instruments, certain counties—By McNally, Wheeler and Henry (Roane).

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 222—To amend Title 33, Title 12, Title 8 and Title 4, Code.

Passed first consideration.

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Senate Bill No. 244—To amend Section 51-216, Code.

Passed first consideration.

Senate Bill No. 592—To regulate competitive bidding.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1066—To amend Charter, Adamsville.

Passed second consideration and held without reference.

House Bill No. 1067—To regulate Civil Service Board, Columbia.

Passed second consideration and held without reference.

House Bill No. 1068—To allow parole eligibility, certain persons.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1069—to allow parole eligibility certain persons sentenced to life.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1070—To allow parole eligibility, certain persons.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1071—To regulate certain rented premises.

Passed second consideration and referred to Committee on Labor and Consumer Affairs.

House Bill No. 1072—To provide "average final compensation," retirement purposes.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1073—To establish the Industrial Development Loan Program.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1074—To regulate abandoned junk.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1075—To provide rate of interest on judgment.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1076—To amend Section 49-5503(c), Code.

Passed second consideration and referred to Committee on Education.

House Bill No. 1077—To amend Section 49-5505, Code.

Passed second consideration and referred to Committee on Education.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 45, 49, 228,

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258, 270, 325, 583, 727, 762 and 881; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 45, 49, 228, 258, 270, 325, 583, 727, 762 and 881.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Bill No. 31, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Hillis, House Bill No. 31 was returned to the Senate as requested.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

130—To make certain provisions, Board of Paroles;

321—To create corporate central credit union; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

131—To make certain provisions, Department of Corrections;

132—To amend Title 4, Chapters 29 and Title 41, Chapter 21, Code;

290—To amend Section 9-9-401, Code;

543—To make certain provisions, legislative committee meetings; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 74—Harrill

House Bill No. 115—Johnson

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 554 and 1052.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, March 11, 1981: House Bills Nos. 622, 338, 429, 289, 416, 509, 265, 219, 431, 386, 796, 352, 366, 771, 367, 115, 285, 266, 243, 158, 162 and 598.

GILL, *Chairman.*

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

279—To regulate punishment, conspiracy, to commit arson;

379—To regulate group accident, health insurance;

442—To amend Section 4-24-105, Code;

446—To amend Section 56-3-105, Code;

506—To amend Section 67-4203, Code;

542—To provide option, insurance, state employees;

646—To regulate eminent domain proceedings, certain districts; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 105, 172, 214, 259, 357, 583, 584, 662, 975, 978 and 979; and House Joint Resolutions Nos. 42, 43, 44, 72, 79, 87, 103, 107, 109, 110 and 113; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Burnett the House adjourned until 1:30 p.m., Wednesday, March 11, 1981.